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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,153	03/16/2001	Dieter Graiger	GRAIGER ET AL-1	7924

7590 07/17/2003
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

EXAMINER

LEYKIN, RITA

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,153

Applicant(s)

GRAIGER ET AL.

Examiner

Rita Leykin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30,34,36-47,49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-30,34,36-47,49 and 50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This office action is in response to amendment, filed on 6/27/03.

Applicant's arguments have been considered. In response to arguments examiner disagree. Nishikawa et al. US # 5,488, 277 teaches most of the limitations and the essence of the claimed method and apparatus. Nishikawa et al. teach that control station 1 communicates with mobile robots 2-1...2-10 respectively by radio. Wherein, selective portable radio stations have a common place in contemporary technology including "movable by user", "selectable by user", "for control or monitoring by user" parts or whole machine unit. Examiner maintains previous rejection and provides additional observation and result of forcer search as follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 26 and 36, the phrase "for example robot" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
3. In claim 26, in line 18 the phrase "simply by actively accepting"; claim 28, line 4 the phrase "deliberate or conscious"; claim 29, lines 4, 5 the phrase "who simply quits" and in claim 30, line 5 "via the same wireless..." do not provide clear support to the claimed subject matter, but rather create bunch of words that are not helping in reading and comprehension of claims. Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 26-30, 36-42 and 49 are rejected under 35 U.S.C. 102(a) as being anticipated by Davi US # 6,044,675.

Davi discloses a machine with selective digital control device. Wherein, the driver is operatively connected to an electronic control device that includes a programmable process unit provided with a movable digital control board which can be manually operated by an operator for remotely controlling in a selective manner the movements of each machine component and for performing an automatic execution of machining cycle, (see abstract).

With respect to claims 26, 27, 36 and 49, (see Fig. 1, 2 and 3 and column 4, lines 9-13, lines 41-65, and column 5, lines 15-19, lines 30-36, lines 62, 63, and column 6, lines 4-9, lines 24-36, lines 56-67).

With respect to claims 28-30 and 37-42 the claimed limitations are inherent to the provided prior art.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 43-47 and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Davi US # 6,044,675.

With respect to claims 43-47 and 50 examiner takes an official notice that claimed limitations are well known in the art.

8. Claims 26-30, 34-47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. US # 5,488,277

In Fig. 1 and 17 Nishikawa et al. discloses:

- A travel control method in the mobile robot system including plurality of mobile robots and the control station for the controlling these mobile robots. Wherein, the control station directs one of a plurality of robots to the destination robot, responding to the direction, searches the route to the destination directed by the control station and sends the result to the control station. The control station, that receives this information, checks if the travel path searched by the mobile robot is already reserved by other mobile robots, (see abstract);
- The control station 102 is supplied via the communication device 104 by radio;

- The command receiving section 106 for receiving the travel command supplied from command section 103 one after another and supplies the received commands to the command interpret section 107 and the track correction;
- A series of travel commands prepares the travel pattern of the mobile robot 102 and supplies this travel pattern to command preparation section 108.
- The travel pattern consists of the speed pattern, rotation pattern and halt pattern. The servo command preparation section 108 reads the travel pattern signals and computes the deviation signals by comparing them with the feedback signals and feeds them into the servo control section 109.
- The servo control section 109 drives and controls the motors on the right and left so that above mentioned deviation signals become zero and turns will to the right and left;
- The speed of the motors 110a and 110b are converted into the electric pulses by the encoders on the right and left 112a and 112b connected respectively with the axes of the rotation of the motors 110a and 110b and fed to the track correction section 115;
- The ultrasonic range finding section 113 for measuring the distance from the robots to the walls on the right and left side;

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- An ultrasonic transmitter 113a installed on the right and left sides to discharge the ultrasonic waves toward right and left walls receives the reflected waves by ultrasonic receivers 113b on each side respectively and measures the distance to each wall by the elapsed time. The measured result is fed to the environment recognizing section 114;
- The environment recognizing section 114 transfers that measured result to the track correction section 115, detects the presence of absence of the wall or the changing point (edge) and in addition feeds the result of this detection to the track correction section 115;
- The track correction section 115 counts the pulse signals sent from the right and left encoders 112a and 112b respectively and obtains the travel distance and travel speed and the angle of rotation from the difference of the pulse signals between right and left. The track correction section 115 compares the travel distance, travel speed and the angle of rotation computed from the above pulse signals with output data from the environment recognizing section 114 and prepares the feedback signal of the speed and angle of rotation in order to travel according to the contents of the scene table of the map section 105, (see column 16, lines 1-65).

It is the examiner's position that selectively connecting a portable electronic control and/or monitoring unit movable by user is well known in the art and is rather a design choice.

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The reason for using such portable control or monitoring unit is dictated by technological process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (703)308-5828. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703)308-3370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Rita Leykin
Primary Examiner
Art Unit 2837



R.L.
July 11, 2003